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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,135	02/28/2005	Paul Anthony Bone	248-00310	6670
7590 04/02/2008 Andrus Sceales Starke & Sawall Suite 1100 100 East Wisconsin Avenue Milwaukee, WI 53202-4178			EXAMINER NGO, LIEN M	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 04/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/526,135

**Applicant(s)**

BONE, PAUL ANTHONY

**Examiner**

LIEN TM NGO

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-40 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 11, 15, 30-36, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Bone (GB 2316858). Bone discloses, in fig. 2, a container comprising a body 10 having an inlet 21 an outlet 15; a valve 16 associated with the outlet; an actuator 19 operable at the exterior of the body to vent the body; a biasing means to bias the actuator to its non-operative position (see page 6, lines 1-4); and a handle 12.

3. Claims 1-6, 9-12, 15, 16, 28, 30-32 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (6,045,013). Yang discloses, in figs. 2 and 6, a container comprising a body 50 having an inlet 54 an outlet 25; a valve 20 associated with the outlet; an actuator 10 operable at the exterior of the body to vent the body; the venting provided by grooves and openings 13, 172 (fig. 3) and a handle 51; and a dispensing spout 80 which is collapsible.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bone or Yang in view of Arish (EP 0974525) or O'donnel (6,036,061).

It is well known to provide a screw cap with secured strap for closing a filling inlet of a container, as taught by Arish or O'donnel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the inlet of Bone or Yang container with a screw cap with secured strap for closing a filling inlet of the container.

6. Claims 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bone in view of Barrash et al. (5,667,101) and Parsonage (5,277,343) and further in view of Barriac et al. (5,360,127). Bone does not disclose the dispensing spout being collapsible and having one of its ends screw-thread locking engaged with the body, and the body being provided a channel into which a part of the spout can be received in its stored state.

Barrash et al. teach, in figs. 1 and 8, a dispensing spout being collapsible and a body of a container being provided a channel into which a part of the spout can be received in its stored state.

Parsonage teaches a dispensing spout having one of its ends screw-thread locking engaged with the body; and Barriac et al. teach a non-removable screw-thread locking.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Bone with an extending

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dispensing pout being collapsible and having one of its ends screw-thread locking engaged with the body at the outlet opening, and the body being provided a channel into which a part of the spout can be received in its stored state, in view teaching of Barrash et al. and Parsonage and Barriact et al., in order to extend the spout longer with a flexible structure for facilitated of the dispensing in a plurality of directions.

7. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bone in view of Ernst et al. (4,125,207).

Ernst et al. teach a container comprising parts being joined non-integral.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the Bone container from plurality of portions as claimed, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

***Allowable Subject Matter***

8. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LIEN TM NGO/  
Primary Examiner, Art Unit 3754

March 31, 2008